

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

CHARLES A. L. ALMOND, SR.,

Petitioner,

v.

CIVIL ACTION NO. 5:05-0108

MARTY ANDERSON,  
Warden, FCI Beckley,

Respondent.

MEMORANDUM OPINION AND ORDER

By Standing Order entered on July 21, 2004, and filed in this case on February 9, 2005, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation. Magistrate Judge VanDervort filed his proposed findings and recommendation on October 4, 2005. In that filing, the magistrate judge recommended that this court (1) grant petitioner's motion to amend, (2) deny petitioner's motion for compassionate release, (3) dismiss petitioner's § 2241 application, and (4) remove this matter from the Court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de

novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby (1) **GRANTS** petitioner's motion to amend (Doc. No. 6), (2) **DENIES** petitioner's motion for compassionate release (Doc. No. 6), (3) **DISMISSES** petitioner's § 2241 application (Doc. No. 1), and (4) **DIRECTS** the clerk to remove this matter from the court's active docket.

The Clerk is directed to mail a copy of this memorandum opinion and order to all counsel of record, the plaintiff, pro se, and Magistrate Judge VanDervort.

**IT IS SO ORDERED** this 21st day of November, 2005.

ENTER:

David A. Faber  
David A. Faber  
United States District Judge